

REMARKS

Claims 1-4, 6-10, 12-16, 18, 19, and 21 remain withdrawn. Claims 5, 11, 17, 20, and 22-25 are under examination.

First of all, applicant describes about newly cited reference.

The Examiner indicated that “However, upon further consideration, a new ground of rejection is made in view of newly discovered reference to Sonnenberg et al. (JP Pub. 05-080028, Machine English translation).” Applicants respectfully submit that neither the rejection nor the reference is new.

A priority application of Sonnenberg et al. (JP Pub. 05-080028) is Sonnenberg et al. (USP 5,223,118 (Appl. No.: 666,798)). This USP is a reference cited in the non-final Office Action dated July 3, 2008. Both references are almost identical. Applicants already responded to this rejection. On page 2 of the Office Action dated January 5, 2009, with respect to Sonnenberg et al. (USP 5,223,118), the Examiner ruled that Applicants’ argument “have been fully considered and are persuasive” and that “the non-final rejection as set forth in Paper No. 20080630 mailed on July 3rd, 2008 has been withdrawn.” Therefore, Applicants respond to the Office Action dated June 25, 2009 the same as the response to the Office Action dated July 3, 2008. Applicants believe that this time response described below can overcome the rejection.

Applicants respectfully submit that the rejection is improper and unfair because the same reference is cited twice. Not only do the Applicants need to file an unnecessary response, pay for the cost of the response, but also patented day would be improperly delayed.

Claim Rejections -35 USC section 103

Claims 5, 11, 17, 20 and 22-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenberg et al. (JP Pub. 05-080028, Machine English translation).

The Examiner indicated that “In re claims 5, 11, 17 and 20, Sonnenberg et al. discloses an apparatus for analyzing the fillability with a copper electroplating solution ...”

However, applicant disagrees with this Examiner’s indication.

Sonnenberg et al. disclose as follows.

[0011]The method of this invention differs from the conventional cyclic voltammetry method. When the concentration of the leveling agent under electroplating bath and a brightening agent prevents a deposit in the end part whose concentration is still high, although diffusion is restricted therefore, on the other hand in the hollow which is insufficient of concentration, leveling of a sludge is produced by promoting a deposit. It was discovered that glossiness and a leveling phenomenon are connected with diffusion limitation absorption of such an additive component. In this invention, the quantity of these additive agents under electroplating bath is measured directly.

That is, in Sonnenberg et al., the quantity of these additive agents under electroplating bath is only measured. Sonnenberg et al., do not disclose and suggest an apparatus for analyzing the fillability with a copper electroplating solution.

Therefore, claims 5, 11, 17 and 20 are apparently different from Sonnenberg et al.

Therefore, since claims 5, 11, 17 and 20 are not obvious from Sonnenberg et al., claims 5, 11, 17 and 20 can not be rejected under 35 U.S.C. 103(a).

Since claims 22-25 respectively depends on claims 5, 11, 17 or 20, claims 22-25 can not be rejected under 35 U.S.C. 103(a) for the same reasons.

Remarks in the response to Office Action dated July 3, 2008 is also applied to claims 5, 11, 17, 20, and 22-25. The remarks is not repeatedly described in this response.

CONCLUSION

Applicant believes that all of the claims are in condition for allowance. Removal of the rejection is respectfully requested.

Since all claims are in a condition for allowance, please issue a Notice of Allowability.

The Commissioner is authorized to charge any fee(s) due to Squire Sanders and Dempsey, L.L.P. Deposit Account No. 07-1850.

Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,



Cameron Kerrigan
Attorney for Applicant
Reg. No. 44,826

Date: August 3, 2009

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 954-0200
Facsimile (415) 393-9887